

REMARKS

Claims 1-8, 11, 12, and 15-18 have been amended to incorporate language more customary in U.S. practice and to even more particularly define the recited subject matter. Claim 10 has been canceled; its rejection under 35 U.S.C. § 112, second paragraph, is moot. Claim 19 is new and recites subject matter deleted from claim 12. No new matter has been added.

Rejections under 35 U.S.C. § 112, first paragraph

Claims 11 and 12 stand rejected under 35 U.S.C. § 112, first paragraph, as allegedly nonenabling. The Applicants disagree and request reconsideration and withdrawal of the rejection.

While not conceding to the propriety of the rejection, the term “prophylaxis” has been canceled from claims 11 and 12. The objection to that term is moot.

The Office states that “While the treatment of depression and anxiety have been linked with tachykinin inhibition, the art does not recognize use of such inhibitors as broad based drugs for treating all disorders instantly embraced.” The Applicants disagree and submit two references in support of the enablement of claims 11 and 12. The first reference is *Potential therapeutic targets for neurokinin-1 receptor antagonists*, Expert Opin. Emerg. Drugs (2004) 9(1):9-21. The second is *Neurokinin-3 receptor antagonists in schizophrenia*, Expert Opin. Ther. Patents (2006) 16(7):925-937. These references provide sufficient corroboration to support the breadth of claims 11 and 12, as presently amended. Withdrawal of the rejection is requested.

Claims 1-8 and 10-18 stand rejected under 35 U.S.C. § 112, first paragraph as allegedly nonenabling. While the Applicants do not necessarily agree with the Office, the term “pro-drug” has been canceled from the claims. The rejection is moot.

Rejections under 35 U.S.C. § 112, second paragraph

Claims 1-8 and 10-18 stand rejected under 35 U.S.C. § 112, second paragraph, as allegedly indefinite. In particular, the term “general” in claim 1 has been identified as

allegedly vague. “General” has been deleted from claim 1; the rejection is moot. In light of the cancellation of claim 10, its rejection is also considered moot.

The phrase “such as urinary incontinence” has been cancelled from claim 12 and the cancelled subject matter incorporated into new claim 19. Claims 15, 16, and 18 have been re-drafted and the requisite period is at the end of each claim. These rejections are also considered moot.

Claim 11 stands rejected as allegedly vague for providing for the use of the claimed compounds but not the steps involved in determining which diseases are capable of being mediated by tachykinin. The Applicants disagree and refer to the references attached hereto: *Potential therapeutic targets for neurokinin-1 receptor antagonists*, Expert Opin. Emerg. Drugs (2004) 9(1):9-21 and *Neurokinin-3 receptor antagonists in schizophrenia*, Expert Opin. Ther. Patents (2006) 16(7):925-937. These references, in addition to the knowledge of one skilled in the art, provide sufficient guidance such that only routine experimentation is required to practice the claimed invention.

The Office cites that the level of experimentation to practice the claimed invention would be “extensive”; however this is not the standard by which enablement is determined. “The fact that experimentation may be complex does not necessarily make it undue, if the art typically engages in such experimentation.” MPEP 2165.01. The experiments outlined by the Office are those that are routine in the field of pharmaceutical development, *e.g.*, pharmacokinetic evaluation, clinical evaluation, and the like. The Office has failed to identify how the experimentation required to practice the present invention is extraordinary. Reconsideration and withdrawal of the rejection is respectfully requested.

Claim Objection

Claim 17 stands objected to as being in improper multiple dependent form. Claim 17 has been rewritten to expressly set forth the limitations of claims 15 and 16. Withdrawal of the rejection is requested.

DOCKET NO.: JANS-0079/JAB-1734USPCT
Application No.: 10/540,456
Office Action Dated: March 18, 2008

PATENT

CONCLUSION

The Applicants assert that the foregoing represents a full and complete response to the March 18, 2008 Office Action and that claims 1-8 and 11-19 are in condition for allowance. An early Notice to that effect is, therefore, earnestly solicited.

Date: June 13, 2008

/Stephanie A. Barbosa/
Stephanie A. Barbosa
Registration No. 51.430

Woodcock Washburn LLP
Cira Centre
2929 Arch Street, 12th Floor
Philadelphia, PA 19104-2891
Telephone: (215) 568-3100
Facsimile: (215) 568-3439